

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEVIN L. BALLARD,

Plaintiff,

vs.

SHANE THURMAN and
DANIAL DANAHER,

Defendants.

8:22CV90

**MEMORANDUM
AND ORDER**

Plaintiff has filed an objection (Filing 14) to Defendants' Answer (Filing 13), claiming the Answer is premature because "Plaintiff hasn't even been served with a Progression order." Plaintiff misunderstands the applicable procedure. Defendants were required to answer within 21 days after being served with the summons and complaint, *see* Fed. R. Civ. P. 12(a)(1), and in case such as this, which is assigned to the pro se docket, a progression order will be issued by the court approximately 30 days thereafter, *see* NECivR 16.1(c); General Order No. 2020-01 (Filing 3) ¶ 18.

Plaintiff indicates he intends to file an amended complaint. Plaintiff should be aware that he cannot file an amended complaint without Defendants' consent or the court's leave because more than 21 days have passed since Defendants served their Answer. *See* Fed. R. Civ. P. 15(a)(1)(A). He should also be aware that if he files a motion for leave to amend under Rule 15(a)(2), he must comply with the court's local rule for submission of a proposed amended pleading. *See* NECivR 15.1.

IT IS THEREFORE ORDERED that Plaintiff's objection (Filing 14), treated as a motion, is denied.

Dated this 3rd day of June, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge